THE CHARITIES CHAPTER OF THE GREATER NEW YORK CHARTER.

THE New York legislature of 1897 passed an act, approved by the governor May 4, 1897, and taking effect January 1, 1898, creating a Greater New York city by consolidating Brooklyn, Richmond county, and a portion of Queens county with the former city of New York. This act, known as the Greater New York Charter, after being in operation for somewhat less than three years, was carefully reconsidered section by section, and, in a considerably revised form, was reënacted in April, 1901, the revision to take effect January 1, 1902.

The charter of 1897, and also the revision of 1901, was prepared by a commission of citizens appointed by the governor, the first commission being appointed by a distinguished citizen who, having served a term as vice-president of the United States, became governor of New York; the second commission was appointed by another distinguished citizen who, then in the middle of his term as governor, was destined to be elected vice-president of the United States before his term as governor closed. The charter of 1897 was passed by the legislature exactly as it came from the hands of the Charter Revision Commission; that of 1901 was materially altered by the legislature, and it is generally believed that in most instances the alterations were for the worse. Of the twenty-three chapters of each charter, one is devoted to the subject of public charities, another to the subject of correctional institutions. In each case a number of private citizens holding no public position, but actively connected with charitable work, devoted much time to a study of the provisions of the charities chapter of the proposed charter, and submitted suggestions in detail to the charter commission. It is noteworthy that, although the proposed revision of 1901 was altered in many particulars by the legislature, the chapter on charities was passed in almost exactly the form in which it came from the Charter Revision Commission. The charities chapter, having thus in each instance been

considered by representatives of leading private charities, considered and approved by a charter commission composed of representative citizens, and considered and approved by the legislature and the governor, may properly be said to indicate the present trend of opinion as to the administration of municipal charities, in New York city at least, and presumably in less measure in all large cities in the United States.

It is, in the main, a history of centralization. Before the charter of 1897 was framed there was a department of public charities of New York city, at the head of which were three salaried commissioners. This department maintained three reception hospitals for the sick and wounded, three great general hospitals for the care and treatment of the sick, an almshouse which comprised a group of refuges and hospitals, an infants' hospital, a series of children's hospitals, a group of institutions for the epileptic, feeble-minded, and idiotic, and a city lodging-house. No outdoor relief, except in the form of coal, allowances for the adult blind, and transportation, was provided. In Brooklyn there was a board of three salaried commissioners of charities and correction, having under their jurisdiction a county almshouse, with a nursery for children under two years of age, a county hospital, and a county penitentiary. No outdoor relief was given in Brooklyn. In Richmond county there was a superintendent of the poor, appointed by the board of supervisors, in charge of the county poorhouse, and one overseer of the poor in each of the five towns of the county. Outdoor relief was given by both overseers and superintendent. The part of Queens county included in Greater New York included Long Island City, three towns, and a portion of a fourth. In Queens county there were three county superintendents of the poor, a keeper of a county poorhouse, one overseer of the poor in Long Island City, one in the town of Jamaica, and two in each of the other towns. By the charter of 1897 all these offices were abolished throughout Greater New York, and in their place was created a department of public charities to be placed in charge of all the above-named institutions, except the Kings county penitentiary, which was transferred to the department of

correction. In the former New York city there had existed for two years separate departments of charities and of correction; this division was extended throughout Greater New York by the charter of 1897.

At the head of the new department of public charities was placed a board of three salaried commissioners, though with unequal powers, responsibilities, and salaries. One was to be commissioner for the boroughs of Manhattan and the Bronx. To him was given "administrative jurisdiction" over all public charitable institutions in those boroughs. Another was to be commissioner of public charities for the boroughs of Brooklyn and Queens, with similar jurisdiction in his boroughs. There was also a commissioner of public charities for the borough of Richmond, having under his jurisdiction only the Richmond county poorhouse. There was great disparity in the extent of their responsibility, the number of inmates in the institutions under their control being at the time as follows:

Commissioner for Manhattan and the Bronx - -	5,782
Commissioner for Brooklyn and Queens - -	2,015
Commissioner for the borough of Richmond - -	124
Total - - - - - - - - -	7,921

Notwithstanding this disparity in administrative responsibility, the three commissioners had equal authority in the board. The board had authority to frame general rules and regulations for the department as a whole, to prepare the annual budget to be submitted to the Board of Estimate and Apportionment, and to decide as to the necessity of the erection of buildings anywhere in the department. It was pointed out to the Charter Revision Commission that, although the commissioner for Manhattan and the Bronx would be responsible for the welfare of nearly three times as many persons as the other two commissioners together, they could nevertheless overrule his action and determine his policy by such rules and regulations as they, a numerical majority of the board, might adopt. In practice this difficulty did not arise. The "board" met once a week, but it transacted only routine business, and, with perhaps one exception, never adopted any general rules or regulations of any great importance. As to

appropriations and buildings, the board accepted the views of each commissioner upon matters relating to institutions under his administrative jurisdiction. Political conditions might easily have arisen, however, under which serious results would have occurred. On the whole, the plan worked well, but it was because the board was little more than a fiction, and each commissioner was practically supreme within his borough or boroughs. The commissioner appointed for Manhattan and the Bronx had not had previous experience in charitable work, but proved to be an intelligent, progressive, and capable administrator, accepting and profiting by the coöperation of individuals and organizations who were familiar with the work of the department. An active member of the former Board of Charities and Correction of Brooklyn was appointed commissioner for the boroughs of Brooklyn and Queens, and afforded a much better administration than the board of which he had been a member in the preceding years. In Richmond county there were but few dependents. An utterly inexperienced man was appointed, and made many mistakes.

In the charter of 1901 the principle of centralization is carried still farther. The board of three commissioners is abolished, the commissioner for Manhattan and the Bronx becomes the commissioner of public charities for the entire city, taking under his jurisdiction and control all the institutions now under the oversight of the two other members of the board. This plan was adopted apparently without opposition from any source. The general policy of the Charter Revision Commission was in favor of "single-headed" departments. They naturally proposed such a plan for this department, and the plan was acquiesced in, and in fact approved by, the leading representatives of the important charitable societies, and by public opinion in general. Given a competent commissioner, without doubt important economies and improvements will result from such consolidation. Better classification will be possible; it will no longer be necessary to have three centers, at each of which will be found representatives of the different classes of public dependents—a few epileptics, a few imbeciles, etc., etc.

In spite of the general tendency toward centralization in this

department, as in others, one notable exception was made in the charter of 1901. Bellevue Hospital, the great general municipal hospital of New York city, with its three tributary reception hospitals, was detached from the department of public charities, and placed under the control, not of a commissioner of public hospitals, but of a board of unsalaried trustees—seven in number—together with the commissioner of public charities as an *ex-officio* member. Three considerations led to this result, which was secured by the intelligent and effective advocacy of a member of the medical board of Bellevue Hospital. The arguments were, first, that a hospital is not a "pauper" institution; second, that the plan proposed would eliminate the influence of partisanship; third, that it would give greater continuity of policy in the management of the hospitals, and particularly in the planning and construction of the buildings. These arguments were pressed with great vigor and skill upon the charter commission. The leading charitable societies of the city remained neutral, though it was felt that, on the whole, they were not favorably disposed toward the plan, or, at least, were too uncertain as to its possible benefits to take a position in its favor. The plan was adopted by the Charter Revision Commission by a bare majority vote. In the legislature, although once thrown out by the senate committee, it was subsequently reinserted and became part of the charter. It will take effect January 1, 1902. The friends of the plan pointed to the city hospitals of Boston and Cincinnati as examples of what might be secured by New York through a board of trustees. Much was made of the abuses which developed in the autumn and winter in the Reception Pavilion for the examination of the alleged insane, connected with Bellevue Hospital. Probably it is not too much to say that the state of the public mind produced by these disclosures resulted in the adoption of the new plan. All agreed that there was a measure of merit in the separation of the administration of the hospital from that of the almshouse, though some held, including the writer, that there was no logical distinction between the inmates of a public hospital, unable to work on account of illness, and the inmates of the almshouse, also unable to work on account of illness or old age; neither are

in any considerable measure paupers by choice; both are, in fact, dependents upon the public treasury. Nevertheless, the attitude of the public, reflected in the action of the Board of Estimate and Apportionment in making appropriations for public institutions, made it unquestionably wise for Bellevue Hospital that it should be separated from all connection with the almshouse. As to continuity of policy, it was pointed out that, under previous conditions, with a salaried board in authority, there had been ample continuity. For an unbroken period of nearly a quarter of a century among the Tammany commissioners of public charities, none had resigned, and few died; nevertheless, mistakes were made in planning and constructing buildings, and no large, comprehensive, far-seeing policy was adopted. As to the elimination of politics there was also much difference of opinion. Many held that the mayor would be as likely to appoint partisans to an unpaid board as to a paid board. An effort was made to limit the mayor in his choice of trustees to a list of names to be submitted by several leading charitable societies, but this was thought to be unconstitutional. A fragment of the scheme was inserted, however, providing that the mayor shall invite such societies to submit a list of names, which, however, he is at liberty to disregard in making his appointments. The new plan for the government of Bellevue Hospital, on the whole, must be regarded as a concession to that very considerable element of public opinion which prefers the European form of municipal administration by an unpaid body to that toward which American cities have been steadily working—centralization of authority in highly salaried executive officials, each at the head of a department, and responsible directly to the mayor. The next decade will doubtless afford extremely interesting and valuable opportunities for comparing the administration of public hospitals by a board of trustees with the administration of similar institutions in the same city by a salaried commissioner.

The charter of 1897 contained a new provision expressly prohibiting the distribution of outdoor relief, except to the adult blind. This introduced no change in practice in the borough of Brooklyn; in Manhattan and the Bronx it discontinued the

distribution of coal; in Richmond and Queens it discontinued all forms of outdoor relief. It had been inserted at the suggestion of a representative of one of the private charitable societies, and was adopted without much discussion. It attracted little attention, and on January 1, 1898, the new board proceeded to continue the distribution of coal as heretofore. Its attention was called to the provision of the new charter, and the distribution had to be discontinued. Private societies promptly offered to take over all the applications from families asking for coal, and to provide coal for all found to be in need. To this the city authorities consented, though bills were immediately introduced in the legislature to reëstablish the distribution of coal in all the boroughs of Greater New York. The history of these bills is one of extreme interest. Representatives of a number of leading charitable societies asked for a hearing, and appeared before the assembly committee. It was probably the first discussion of outdoor relief before a legislative committee in New York for many decades. The representatives of the charitable societies were shown scanty courtesy by the assembly committee. They were evidently looked upon as hard-hearted, visionary enthusiasts, probably of doubtful moral character. The bills were promptly reported favorably by the assembly committee, passed the assembly with practical unanimity, and the struggle was renewed before the senate. Meanwhile spring was coming on, and the charitable societies had been proving themselves fully able to meet the need during the winter. The Republicans in the senate may have thought that the power to distribute free coal might be made a valuable perquisite in the hands of a Tammany administration in New York city. The attitude of the charitable societies in opposing the bill, and in offering to furnish coal themselves when needed, afforded at least a plausible reason for refusing to pass the bill. It may be doubted whether the senators were fully convinced that free coal, in itself, was not a desirable thing. The bills were reported unfavorably by the senate committee, and the senate agreed with the adverse report. The next winter, 1899, a similar bill was again promptly introduced by a member from New York, who was something of

a demagogue. The representatives of the charitable societies again journeyed to Albany and made their appearance before the assembly committee. This time they were heard more courteously, their arguments seemed to have more force, the experience of the past winter had counted for something. When the vote was taken in committee, a majority were against the bill. The introducer made an active canvass of the assembly, and a little later moved to discharge the committee from further consideration of the measure. His motion received, of course, the support of the members of his own party, with considerable aid from the opposition, and lacked only three votes of prevailing. It did, however, lack three votes, and the bill died in committee. The following year, 1900, the same member again introduced the bill, a similar journey was made to Albany, a similar hearing had. The committee decided against the bill. A vote to discharge the committee from further consideration mustered less than two-thirds of the number necessary for passage. Even the following year, 1901, the bill was again introduced by the same member, but this time the charitable workers simply filed a brief with the committee, and this was sufficient to prevent its passage. The political consideration may have had some little weight, but the steadily increasing opposition to the bill in the legislature was in large measure the result of a thorough discussion of the subject. This may properly afford much encouragement to those who are endeavoring to secure legislative reform of outdoor relief elsewhere.

When the charter commission was preparing a preliminary draft of the charter for Greater New York in 1897, a new system of providing for vagrants and homeless men had recently been instituted by the department of public charities. A municipal lodging-house was established by that department late in 1896. This lodging-house was managed on a very satisfactory plan; bathing was enforced, clothing was fumigated, clean beds were provided under sanitary conditions, a careful statement was taken from each lodger as to name, age, previous residence, previous employer, etc., a staff of investigating officers was employed, and, in the case of the lodgers who came several

nights in succession, reasonable effort was made to secure their commitment to the workhouse, if they had been found meanwhile to be confirmed vagrants, or to secure employment if their references had given a reasonably satisfactory account of them. This had been done by the charities department without special legal authority, other than the responsibility resting upon it to care for the poor. There also had been established a general agreement among the leading charitable societies of the city to send homeless men to the city lodging-house, except under exceptional circumstances. A reasonably uniform plan had thus been established. The city had been made less attractive to vagrants, and sanitary quarters had taken the place of the frightfully unsanitary conditions formerly existing in the police-station lodging-houses, as well as in the lodging-house formerly maintained in the basement of Bellevue Hospital. There still remained in the charter, however, a section brought down from a still earlier act making it the duty of the board of police "to provide for the lodging of vagrants and indigent persons." This duty was not properly a part of the work of the police department, and it had been discharged by that department in a most unsatisfactory manner. In the charter of 1897 a provision was inserted making it the duty of the charities department to make provision for the temporary care of vagrants and indigent persons, and provide for an investigation into the circumstances of such persons, and to cause such as are found to be vagrants to be brought before a magistrate pursuant to law. The charter commission was asked to omit the provision imposing a similar duty upon the department of police. For some unaccountable reason, however, that was regarded as being too radical a step, and the section requiring the police department to provide for the lodging of vagrants and indigent persons was modified by the addition of the words, "so far as such duty is not by law imposed on some other department of the city of New York." The police-station lodgings, however, were not reopened. The municipal lodging-house conducted by the charities department has continued to prove most satisfactory, and the charter of 1901 repealed entirely the section requiring the police department to

provide for the care of vagrants. In this instance the reform of the law followed somewhat tardily the reform of the practice.

Prior to 1897 the charter conferred upon the charities department no authority whatever concerning the payment of public funds to private institutions. This is a subject of the utmost importance in New York, since the city contributes far more to private charitable institutions — mostly for the support of children — than it expends through its own department. The functions of the city government in this connection had been limited almost wholly to those of committing some of the children and paying the bills, although many of the children paid for by the city authorities were admitted to the institutions at their own volition, and the length of their retention was in all cases controlled by the institutions themselves. At least, such had been the case until 1896, when, entirely outside of the provisions of the charter, most important authority was conferred upon the city department of charities by the State Board of Charities, acting under the provisions of the revised constitution, which went into effect January 1, 1895. The revised constitution authorized the State Board of Charities to make rules and regulations concerning the admission and retention of inmates supported by the public in private charitable institutions. The most important rule made by that board was one requiring all children supported by the public in private institutions, by reason of destitution, to be accepted as proper public charges by the officer charged with the support and relief of the poor in the city, county, or town from whose treasury the funds are to be paid. This rule, which was really quite revolutionary in the policy of the state, worked extremely well, at least from the standpoint of those who believed that some reform in the subsidy system was an urgent necessity. It had incidentally reduced the payments by the city to private institutions for the support of children several hundred thousand dollars per year. As the rules of the State Board of Charities were, however, subject to change at any time, substantially the same provision as was contained in the rules was embodied in the charter of 1897. Further jurisdiction was given the department of public charities in

regard to the commitments for destitution, by a requirement that magistrates, who are authorized by the general law of the state to commit children for numerous reasons — destitution among others — must, in cases of destitute children, notify the department of public charities, and afford that department an opportunity to investigate and report to the magistrate, before final action is taken. This, as in the case of the authority concerning vagrants, was another step in the line of concentration of authority and responsibility, concerning the relief of destitution, in the hands of the department of public charities. It had been the custom for a long time for many institutions, receiving $2 per week or $110 per year per capita from the city treasury for the support of destitute children, to maintain the children at an amount somewhat less than that paid by the city, and thus gradually accumulate a surplus, to be used in the construction of buildings, which in turn enabled the institutions to accommodate a larger number of children, and thus made possible the accumulation of a larger surplus for the erection of still larger buildings. All the conditions necessary to an increase in geometrical ratio of the number of children supported by the city were thus present, and such, in fact, had been the result. New York city in 1897 was supporting, by public or private charity, in round numbers one thirty-fifth of all the child population of the city in charitable institutions. To check this custom it was provided in the charter of 1897 that moneys paid by the city for the care, support, secular education, or maintenance of inmates should not be expended for any other purpose.

These provisions had a most salutary effect upon the child problem in the city, and the number of children in institutions supported by the city actually decreased.

All the authority gained by the charities department over the payments to be paid to private institutions in the charter of 1897 was retained in the charter of 1901, and several supplementary provisions were added. The charter of 1901 provides that the commissioner of public charities may remove any child placed by him in an institution as a public charge, and place out such child in a family; that he may employ one or more of

his own agents for placing children in families, or may employ any duly incorporated charitable institution or society, and may reimburse such institution or society for the expense incurred in placing out children who are public charges. Heretofore, while the institutions have been subsidized, the societies engaged in placing children in families have received no aid from the public treasury. It was felt that, so long as the subsidy system was the general policy of the city, it was desirable that the societies engaged in placing children in families without expense to the city should be upon at least as favorable a footing as the institutions which maintain children at a cost to the city of $104 or $110 per annum each.

A further valuable provision is inserted in the charter of 1901, forbidding the commissioner of charities to commit children to any institution which shall have been certified by the State Board of Charities to have failed to comply with the rules and regulations established by that board under its constitutional authority. It is also forbidden to commit children to any institution not situated in the city of New York, unless such institution shall be certified by such board to be properly protected from fire and other dangers. As real estate in New York city has become more and more valuable, many institutions for children have removed to country sites. Incidentally they have thus been relieved from compliance with the requirements of the fire department, building department, and health department of the city of New York. As a rule, there are practically no building laws in the rural districts, and it was found that wooden buildings several stories in height had been constructed for dormitories for children's institutions. One of these burned about a year ago, and only by the greatest heroism was great loss of life prevented. Hereafter there must be positive certification by the State Board of Charities that institutions not situated in the city of New York are properly protected from fire and other dangers before children can be committed thereto by the charities commissioner of New York city.

The former charter made the obligation of support reciprocal as between parent and child. It also required grandchildren

to support grandparents, but did not make grandparents responsible for the support of grandchildren. Under the peculiar customs prevailing in New York city, it was found that in many cases grandparents, even though of considerable means, refused to recognize any obligation on their part toward grandchildren. The charter of 1901 extends the obligation of support to grandparents.

Most important, however, of the provisions of the charter of 1901 affecting charitable interests is that found in the chapter relating to inferior courts of local jurisdiction, providing for the establishment of a children's court. At present cases involving the trial or commitment of children for destitution, neglect, improper guardianship, or similar causes, are dealt with in seven different magistrates' courts, while cases involving the violation of some penal statute by children are held by the magistrates for trial before the court of special sessions, presided over by three judges. It was not deemed practicable to introduce any change in the trial of cases of youthful offenders by the court of special sessions, but the Board of City Magistrates is required, after January 1, 1902, to hold a separate court for all cases involving the trial and commitment of children under sixteen years of age coming within its jurisdiction. The statute provides that, if practicable, this court shall be held in the building in which the charities department maintains its offices for the examination of dependent children. It is hoped and believed that the court will be established in this building, and that this will facilitate the handling of all cases of destitution by the charities department, and at the same time the commitment of all cases of improper guardianship, neglect, cruelty, etc., by the magistrate, in order that the custody of the child may thus be transferred in a more impressive way to the institution to which it is committed. We say "more impressive," for it has been held by the courts of New York that the supreme court may return children to their parents, no matter for what cause committed, if the parents can demonstrate that they are able to support their children and are proper persons so to do. The

courts, however, would be much less likely to return children committed originally for improper guardianship or cruelty than those committed simply by reason of destitution. No provision is made in the law for a probation system, but it is believed that when the children's court is once in operation the need of a probation system will be so evident that there will be little opposition to its establishment.

It is noteworthy that the charter contains no reference to many important features of the administration of public charities. Nothing has done more to revolutionize the conditions in the city hospitals than the establishment of training schools for nurses in Bellevue in 1872, and in the City Hospital in 1875. Yet neither in the charter of the old city of New York, nor in the charter of 1897, nor in that of 1901, is there any reference to the subject of nursing. The establishment of an ambulance service and the division of the city into ambulance districts are other important developments of comparatively recent years which find no place in the charter. Neither is there any reference to the question of medical service in the city hospitals. It is also noteworthy that when the charter of 1897 was being prepared, it was found that sixteen of the thirty-two sections comprising the chapter on the department of public charities had already become obsolete, having been superseded by general laws affecting the state as a whole, or by special laws relating to New York city, but not amending the charter in terms, or because they related to methods of work which the city had long outgrown.

Legislation sometimes precedes and causes, but more often tardily follows, real and radical changes in municipal administration. Much of the best work of the department is done, and must always be done, without express legislative direction. There is, however, reason for marked gratification on the part of those interested in raising the standard of the administration of public charity in the changes made in the charity provisions of the New York charter in 1897 and in 1901. The repeal of obsolete provisions will prevent the renewal of customs and practices which

would now be pernicious. The department has been given a freer hand in many directions, and the general lines of improvement, though not the specific details, have been pointed out by statute. Improvements in many directions have also been made mandatory by express statutory direction.

HOMER FOLKS,
Secretary of the State Charities Aid Association of New York.